

AMENDED IN ASSEMBLY AUGUST 21, 1998

AMENDED IN ASSEMBLY AUGUST 12, 1998

AMENDED IN ASSEMBLY JUNE 24, 1998

AMENDED IN ASSEMBLY JUNE 15, 1998

AMENDED IN SENATE APRIL 21, 1998

AMENDED IN SENATE MARCH 31, 1998

AMENDED IN SENATE MARCH 23, 1998

SENATE BILL

No. 1696

Introduced by Senator Alpert

February 17, 1998

An act to amend Sections 25658 and 25659 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1696, as amended, Alpert. Alcoholic beverages.

The Alcoholic Beverage Control Act prohibits the sale of alcoholic beverages to, or the purchase of alcoholic beverages by, persons under the age of 21 years, and imposes penalties in that regard, but permits minors to be used as decoys in the enforcement of these provisions.

This bill would require that, after the completion of each minor decoy program, the law enforcement agency using the decoy notify licensees of the results of the program.

Existing law permits a licensee, or the licensee's agent or employee, to refuse to serve alcoholic beverages to any person

who is unable to produce adequate written evidence that he or she is over the age of 21 years.

This bill would permit a licensee, or the licensee's agent or employee to seize any identification that shows the person to be under the age of 21 years or that is false, if certain conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25658 of the Business and
2 Professions Code is amended to read:

3 25658. (a) Every person who sells, furnishes, gives, or
4 causes to be sold, furnished, or given away, any alcoholic
5 beverage to any person under the age of 21 years is guilty
6 of a misdemeanor.

7 (b) Any person under the age of 21 years who
8 purchases any alcoholic beverage, or any person under
9 the age of 21 years who consumes any alcoholic beverage
10 in any on-sale premises, is guilty of a misdemeanor.

11 (c) Any on-sale licensee who knowingly permits a
12 person under the age of 21 years to consume any alcoholic
13 beverage in the on-sale premises, whether or not the
14 licensee has knowledge that the person is under the age
15 of 21 years, is guilty of a misdemeanor.

16 (d) (1) Except as otherwise provided in paragraph
17 (2), any person who violates this section shall be punished
18 by a fine of two hundred fifty dollars (\$250), no part of
19 which shall be suspended, or the person shall be required
20 to perform not less than 24 hours or more than 32 hours
21 of community service during hours when the person is
22 not employed and is not attending school, or a
23 combination of fine and community service as
24 determined by the court.

25 (2) Any person who violates subdivision (a) by
26 furnishing an alcoholic beverage, or causing an alcoholic
27 beverage to be furnished, to a minor shall be punished by
28 a fine of one thousand dollars (\$1,000), no part of which
29 shall be suspended, and the person shall be required to

1 perform not less than 24 hours of community service
2 during hours when the person is not employed and is not
3 attending school.

4 (e) Persons under the age of 21 years may be used by
5 peace officers in the enforcement of this section to
6 apprehend licensees, or employees or agents of licensees,
7 who sell alcoholic beverages to minors. Notwithstanding
8 subdivision (b), any person under the age of 21 years who
9 purchases or attempts to purchase any alcoholic beverage
10 while under the direction of a peace officer is immune
11 from prosecution for that purchase or attempt to
12 purchase an alcoholic beverage. Guidelines with respect
13 to the use of persons under the age of 21 years as decoys
14 shall be adopted and published by the department in
15 accordance with the rulemaking portion of the
16 Administrative Procedure Act (Chapter 3.5
17 (commencing with Section 11340) of Part 1 of Division 3
18 of Title 2 of the Government Code). Law
19 enforcement-initiated minor decoy programs in
20 operation prior to the effective date of regulatory
21 guidelines adopted by the department shall be
22 authorized as long as the minor decoy displays to the
23 seller of alcoholic beverages the appearance of a person
24 under the age of 21 years. This subdivision shall not be
25 construed to prevent the department from taking
26 disciplinary action against a licensee who sells alcoholic
27 beverages to a minor decoy prior to the department's
28 final adoption of regulatory guidelines. After the
29 completion of every minor decoy program performed
30 under this subdivision, the law enforcement agency using
31 the decoy shall notify licensees of the results of the
32 program.

33 SEC. 2. Section 25659 of the Business and Professions
34 Code is amended to read:

35 25659. For the purpose of preventing the violation of
36 Section 25658, any licensee, or his or her agent or
37 employee, may refuse to sell or serve alcoholic beverages
38 to any person who is unable to produce adequate written
39 evidence that he or she is over the age of 21 years. A
40 licensee, or his or her agent or employee, may seize any

1 identification presented by a person that shows the
2 person to be under the age of 21 years or that is false, so
3 long as a receipt is given to the person from whom the
4 identification is seized and the seized identification is
5 given within 24 hours of seizure to the local law
6 enforcement agency that has jurisdiction over the
7 licensed premises. *A licensee, his or her agent or*
8 *employees decision to not seize a license shall not create*
9 *any civil or criminal liability.*

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